

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States,
et al.,

Defendants.

Case No. 1:26-cv-11581-IT

LEAGUE OF WOMEN VOTERS OF
MASSACHUSETTS, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States,
et al.,

Defendants.

Case No. 1:26-cv-11549-IT

**MEMORANDUM IN SUPPORT OF THE INTERVENER STATES' MOTION TO
TRANSFER**

The States of Alabama, Florida, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, and Texas (the “Intervener States”) move to intervene in the above captioned cases, *League of Women Voters of Massachusetts v. Trump*, No. 26- cv- 11549 (D. Mass. Apr. 2, 2026) (“LWVM Case”) and *State of California v. Trump*, No. 26-cv11581 (D. Mass. Apr. 3, 2026) (“California Case”), and with that motion, attach their motion to transfer these actions to the United States District Court for the District of Columbia. In both the California and LWVM Cases, Defendants also filed motions requesting the same transfer. LWVM Case, ECF No. 19; California Case, ECF No. 55. The Intervener States agree that the interests of sound judicial economy, avoidance of possibly conflicting orders, and promotion of inter-district comity all warrant application of the “first-to-file” rule and transfer of both cases to the D.C. District Court where *DSCC v. Trump*, No. 26-cv-1114-CJN (“DSCC Case”), the lead D.C. case about Executive Order 14,399 (the “Executive Order”), was filed on April 1, 2026.

Where, as here, the overlap between the California Case, the LWVM Case, and their D.C. counterparts are “nearly complete,” “the usual practice [in this Circuit] is for the court where the case was first filed to resolve the issues, and the other court to defer by either staying, transferring, or dismissing the action.” *Thakkar v. United States*, 389 F. Supp. 3d 160, 170 (D. Mass. 2019). This is the proper recourse here. First, the defendants in the DSCC Case are nearly identical to those in the LWVM and California Cases. *See id.* at 170-71 (“In addition to determining which suit was filed first, courts will examine the similarity of the parties involved ... in deciding whether the first-to-file rule should apply.”). Second, California, LWVM, and the other D.C. cases challenging the Executive Order concern the constitutionality and validity of Executive Order and seek the same relief with nearly identical legal arguments. *See id.* (“In addition to determining which suit was filed first, courts will examine ... the similarity of the issues in deciding whether

the first-to-file rule should apply.”). Finally, the interests of sound judicial economy and inter-district comity also support transfer because doing so will avoid duplicative filings in this District and in the District of Columbia, wasted judicial and party resources, and the risk of inconsistent rulings. *See Coady v. Ashcraft & Gerel*, 223 F.3d 1, 11 (1st Cir. 2000) (explaining that a “principal concern” behind the “first-filed rule” is “preventing duplication of effort and incompatible rulings”).

For the foregoing reasons, this case should be transferred to the United States District Court for the District of Columbia pursuant to the “first-to-file” rule.

Date: April 21, 2026

STEVE MARSHALL
ALABAMA ATTORNEY GENERAL

/s/ A. Barrett Bowdre
A. Barrett Bowdre*
Solicitor General
STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36104
Telephone: (334) 353-8892
Fax: (334) 353-8400
Barrett.Bowdre@AlabamaAG.gov

JAMES UTHMEIER
FLORIDA ATTORNEY GENERAL

/s/ David M.S. Dewhirst
David M.S. Dewhirst*
Solicitor General
Jason J. Muehlhoff*
Chief Deputy Solicitor General
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
(850) 414-3300
david.dewhirst@myfloridalegal.com
jason.muehlhoff@myfloridalegal.com

Respectfully submitted,

CATHERINE L. HANAWAY
MISSOURI ATTORNEY GENERAL

/s/ Louis J. Capozzi III
Louis J. Capozzi III, DC Bar No. 90018764*
Solicitor General
J. Michael Patton*
Deputy Solicitor General
Benjamin S. Gilberg*
Deputy Solicitor General
Missouri Attorney General's Office
815 Olive Street, Suite 200
St. Louis, MO 63101
Tel. (573) 645-9662
Fax (573) 751-0774
Louis.Capozzi@ago.mo.gov
Michael.Patton@ago.mo.gov
Benjamin.Gilberg@ago.mo.gov

THEODORE E. ROKITA
INDIANA ATTORNEY GENERAL

/s/ James A. Barta
James. A Barta, DC Bar No. 1032613*
Solicitor General
Office of the Indiana Attorney General
302 W. Washington Street
IGC South, Fifth Floor
Indianapolis, IN 46204-2770
Phone: (317) 232-0709
Fax: (317) 232-7979
James.Barta@atg.in.gov

KRIS W. KOBACH
KANSAS ATTORNEY GENERAL

/s/ James R. Rodriguez
James R. Rodriguez*
Assistant Attorney General
Kansas Office of the Attorney General
Topeka, Kansas 66612
Phone: (785) 368-8197
jay.rodriguez@ag.ks.gov

AUSTIN KNUDSEN
MONTANA ATTORNEY GENERAL

/s/ Christian B. Corrigan
Christian B. Corrigan*
Solicitor General
Montana Department of Justice
215 N. Sanders Helena, MT 59601
(406) 444-2707 (o)
Christian.Corrigan@mt.gov

GENTER DRUMMOND
OKLAHOMA ATTORNEY GENERAL

/s/ Garry M. Gaskins, II
Garry M. Gaskins, II*
Solicitor General
Office of the Attorney General of Oklahoma
313 NE Twenty-First St.
Oklahoma City, OK 73105
(405) 521-3921
garry.gaskins@oag.ok.gov

ELIZABETH B. MURRILL
LOUISIANA ATTORNEY GENERAL

/s/ J. Benjamin Aguiñaga
J. Benjamin Aguiñaga*
Solicitor General
Louisiana Department of Justice
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov

MICHAEL T. HILGERS
NEBRASKA ATTORNEY GENERAL

/s/ Cody S. Barnett
Cody S. Barnett*
Solicitor General
Nebraska Department of Justice
1445 K Street, Room 2115
Lincoln, Nebraska 68508
Tel.: (402) 471-2683
Fax: (402) 471-3297
cody.barnett@nebraska.gov

ALAN WILSON
SOUTH CAROLINA ATTORNEY GENERAL

/s/ Joseph D. Spate
Joseph D. Spate*
Deputy Solicitor General
1000 Assembly Street
Columbia, South Carolina 29201
Tel. (803) 734-3371
Fax (803) 734-3677
josephspate@scag.gov

MARTY J. JACKLEY
SOUTH DAKOTA ATTORNEY GENERAL

/s/ Grant Flynn

Grant Flynn*

Assistant Attorney General

South Dakota Office of the Attorney General

1302 East SD Highway 1889,

Suite 1

Pierre, SD 57501-8501

Telephone: (605) 773-3215

Email: grant.flynn@state.sd.us

KEN PAXTON
TEXAS ATTORNEY GENERAL

s/ David Bryant

David Bryant*

Senior Special Counsel

Office of the Attorney General of Texas

Special Litigation Division

P.O. Box 12548, Capitol Station

Austin, Texas 78711-2548

Tel.: (512) 463-2100

david.bryant@oag.texas.gov

/s/ Ian D. Prior

Ian D. Prior (Bar No. 655704)

America First Legal Foundation

611 Pennsylvania Ave S.E. No. 231

Washington, D.C. 20003

(410) 205-9681

ian.prior@aflegal.org

* *Pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I certify that on April 21, 2026, the above was filed electronically through the Court's electronic filing system to be served electronically on counsel for the parties.

/s/ Louis J. Capozzi III